

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARLEA FRAZER,

Plaintiff,

v.

LOWE'S HOMES CENTERS, LLC,

Defendant.

Case No. 1:22-cv-00410-JLT-SAB

ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE LONG FORM
APPLICATION

(ECF No. 3)

FOURTEEN DAY-DEADLINE

Plaintiff Marlea Frazer initiated this action pursuant to the Americans with Disabilities Act and state law on April 7, 2022. (ECF No. 1.) Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 3.)

However, the Court notes some discrepancies in Plaintiff's application that preclude the Court from determining whether Plaintiff is entitled to proceed in this action without prepayment of fees. For example, Plaintiff indicates she does not own any assets or property in response to question 5, yet she indicates she makes a monthly car payment in response to question 8, which suggests she owns a car. In response to question 6, which requires Plaintiff to list any housing, transportation, utilities, or loan payments or other regular monthly expenses by describing and providing the amount of the monthly expense, Plaintiff merely states "\$500

per month” but does not indicate what this expense is for or otherwise describe it in any way. Finally, the Court notes that, while Plaintiff appears to be represented by counsel, she does not indicate whether any attorney fees are owed. Thus, it appears Plaintiff’s application was not sufficiently completed for the Court to determine if she is entitled to proceed in this action without prepayment of fees.

Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is unwilling to complete and submit the long form application, Plaintiff must pay the filing fee in full.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s application to proceed *in forma pauperis* (ECF No. 3) is DENIED without prejudice;
2. The Clerk of the Court is directed to forward an *in forma pauperis* application (Long Form) to Plaintiff;
3. **Within fourteen (14) days** of issuance of this order, Plaintiff shall either (1) pay the \$402.00 filing fee for this action, or (2) file a long form application to proceed *in forma pauperis* without prepayment of the fee; and
4. If Plaintiff fails to comply with this order, this action shall be dismissed.

IT IS SO ORDERED.

Dated: **April 11, 2022**


UNITED STATES MAGISTRATE JUDGE